

REMARKS

Claims 1 and 9-12 have been amended. Claims 1-12 are pending. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

Claims 1-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,243,338 ("Mine"). Applicant respectfully traverse the rejection.

The claimed invention relates to a data recording device for reading data recorded on a rewritable recording medium having recorded and unrecorded regions, and for recording data on and for reproducing data from a recording medium. In one embodiment, the data recording device has a recording unit that records data on a recording medium, a record state determination unit that stores recording state data for distinguishing the recorded and unrecorded regions. The recording unit has a mark recording unit configured to record a mark in one of the unrecorded regions preceding an object region to which the recording unit is to record data, the mark enabling reading of the object region, for more details please refer to the specification, page 9, line 15+. The claimed invention should not be limited, however, to the preferred embodiments described and shown in the specification and drawings.

An important feature of the claimed invention as recited in claim 1 is the recording unit having "a determination unit that determines whether a first region immediately prior to a second region is unrecorded . . . or whether there are recorded and unrecorded regions." The recording unit also has "a predetermined data recording unit configured in a manner such that, when at least in one case where a first region immediately prior to a second region is unrecorded . . . [the] predetermined data recording

unit records predetermined data in the first region.” (FIGS. 4-6). This is an important feature of the invention. An advantage of the feature is that it enables data to be reproduced even when formatting of the recording medium has not been completed.

Mine is directed to a recording apparatus and a method of recording a disc-shaped recording medium. Mine only discloses a finalizing process which determines whether each block is recorded or unrecorded, and records a finalization data. On the other hand, the present invention is related to recording predetermined data into a region immediately prior to the region where data are to be recorded and the predetermined data are recorded before finalization. The predetermined data also enables reading of data in a recorded region. It is, therefore, necessary to manage status of “recorded” or “unrecorded” for each ECC block by bit map. Unlike Mine, in the claimed invention, predetermined data is recorded in the first region. For at least these reasons, the § 102(b) rejection of claim 1 should be withdrawn and the claim allowed.

Claims 2-12 depend from claim 1 or contain similar limitations as claim 1. Therefore, claims 2-12 should be allowable at least for the same reasons as claim 1.

After Final Office Action of May 31, 2007

In view of the above, applicant believes the pending application is in condition for allowance.

Dated: October 1, 2007

Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

Ranga Sourirajan

Registration No.: 60,109

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicant